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Testimony in Opposition for HB1318

To the Honorable Chairman and the members of the Committee. We submit these remarks on behalf of DRC.

To the Senate Ag and Veterans Committee Regarding Amendments,

We would like to state that this bill's amendments would considerably help the bill but we would want to ask the question to the committee. What is the intent of this bill and what would happen if this bill is not passed? If this bill needs to be a housekeeping bill to keep the state law in line with the federal regulations then there should be no problems just stating that the labels have to be compliant with federal regulations. If that law exists and everything is up to date then we ask to not pass this bill.

We want everyone here to notice that the people testifying have stated that if you have a good enough lawyer you should be able to sue for damages and that this legislation is not bulletproof. We disagree. Raising the burden of proof or the standard for sufficient warning in the favor of the pesticide business coupled with the fact that federal regulators dealing with pesticides are being cut causing label reviews to be delayed. The amendments regarding FIFRA could be rendered useless as the years go by if these programs fail to exist in any meaningful way. The amendments would make this bill better, but we would still rather not have this language in our law books.

This would be the only amendment that would be considered acceptable but if it were applied it would just match existing law.

Section 2 – Pesticide Labeling - Exception Nothing in this section shall be construed to apply to any action or claim arising under state law that is equivalent to, and fully consistent with, the misbranding standards set forth in the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. § 136(q)."

We'd also like to remind you that our Agriculture Commissioner fought against the federal government when it was trying to pass more restrictions on Dicamba. We can't simultaneously pass bills that tell us that the federal government should be given supremacy when it comes to regulating standards of chemicals then fight the federal government when they actually try to enforce regulations or try to ban substances that are proven to cause problems. We ask that

you pay attention to what our officials and members testifying in favor of this legislation do, rather than what they say.

Access to roundup and glyphosate has been brought up in most testimony, but this bill is much more wide ranging than roundup. If this bill passes this body every chemical that was made and registered and every chemical that will be made and registered when you pass this law will be essentially exempted from liability. Let's assume for the sake of argument that glyphosate is safe enough to put on your cornflakes, won't give you cancer, won't destroy crops, or cause any damages whatsoever and that California liberals are truly wrong on this one. Can you tell me with absolute certainty that every other chemical put out will be one hundred percent safe knowing the government's track record with things like DDT, Putting lead in everything, asbestos, and CFCs? Also you have to ask yourself, would you be comfortable with trusting these companies to make safe products when they also know you just raised the bar for the average North Dakotan to be able to sue them for damages? DRC's answer to this question is no.

Regardless of the amendments we still ask the committee to recommend a **DO NOT PASS** vote on this bill.